

REMARKS

Claims 1-29 are pending and have been restricted under 35 U.S.C. § 121 into the following four groups:

Group I: Claims 1, 3, 5-11, drawn to a special technical feature of a method for amplification of a nucleic acid sequence containing a sequence motif 5'-GAAA-3' by real-time amplification in a presence of a probe containing a sequence motif 5'-CUGANGA-3';

Group II: Claims 2, 4 drawn to a special technical feature of a method for amplification of a nucleic acid sequence containing a sequence motif 5'-CUGANGA-3' by real-time amplification in a presence of a probe containing a sequence motif 5'-GAAA-3';

Group III: Claims 12-15, drawn to a special technical feature of a method for detection of bacterial pathogens by bringing a sample into contact with a probe containing the sequence motif 5'-CUGANGA-3'; and

Group IV: Claims 16-29, drawn to a special technical feature of a kit for carrying out the methods of claims 1-4 and 12.

The Examiner requests that one of the groups of claims be elected for examination. Although the restriction requirement is traversed for the reasons set forth below, Applicants elect the claims of Group I, claims 1, 3, and 5-11, for examination.

The Restriction Requirement is traversed with respect to the division of the claims of Group I from the claims of Group II. While the claims of Groups I and II are patentably distinct, it is submitted that a thorough search of the claims of either group will likely reveal information relevant to the examination of the claims of Group II and, therefore, division of the claims into

these groups would result in duplicative searches. Therefore, examination of the claims of Group I with the claims of Group II together should not be an undue burden on the Examiner.

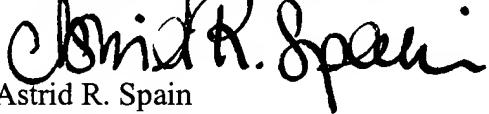
CONCLUSION

In view of the remarks submitted herein, Applicant elects the claims of Group I, claims 1, 3 and 5-11. Applicant respectfully requests reconsideration of the restriction requirement. The Examiner is invited to call the undersigned attorney if there are any questions relating to this matter.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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